

There exists precedent in the Zoning Code where we require different standards and conditions depending on which zone is under review. We recommend that site plan section 7.3.4 continue to be required for commercial solar in all other zones and that we create a different standard for ZTA 20-01 requiring conditional use section 7.3.1 for commercial solar in the AR.

The proponents of the Solar ZTA believe conditional use will effectively ban community solar and represents a “poison pill” that would lead to endless and often random court challenges that have nothing to do with climate change and equity. Both Howard and Baltimore Counties require conditional use approval for commercial solar and there are several solar projects pending. I am personally aware of one solar project in Howard County (Ricky Bauer-sheep grazing under solar) that I can speak to. From a business perspective, the conditional use approval runs with the land and it protects the rights and land use interests of future landowners.

The proponents of the Solar ZTA believe that the Gladhill Meat Store was closed due to the requirements of conditional use (previously special exception). The Gladhill facility was a non-conforming use that preexisted the 1980 Agricultural Reserve where an Abattoir required a special exception which is now conditional use approval.

Abattoir: Any building, place, or establishment where livestock grown off-site are slaughtered for commercial purposes.

The decision to close the Gladhill facility was driven by the Maryland Department of Agriculture terminating their Certified USDA meat inspectors which then meant that all Maryland meat facilities would need to be inspected and approved by the Federal USDA meat inspectors which are very difficult to schedule in a timely manner. This environment continues today, and we all witnessed how meat facilities were negatively impacted during the COVID-19 Pandemic.

As our elected leaders, we hope you will make the right decision and support the position of the Agricultural Reserve stakeholders that compromised to require **conditional use** being the only legal path for siting solar in the AR and we also encourage you to exclude both class I and II soils for siting solar fields. The Agricultural Reserve stakeholders have also compromised on the use class III soils totaling 33,154 acres that can easily accommodate the 1,800 acres of solar that is proposed as part of this solar ZTA.

In 1980, a Poolesville farm owner by the name of George Kephart was serving on the Planning Board when he cast the final and deciding vote that created the AR. George demonstrated courage and responsible leadership by casting this final vote even though he was significantly criticized by the agricultural community. Today, the County Council members that do not support conditional use for commercial solar in the AR will be remembered for their lack of courage to support our farmers including a clear disregard for rules of the Master Plan and the AR zone. If this Solar ZTA 20-01 is adopted requiring limited use-site plan approval, this environment will contribute to the decline of farming in Montgomery County where farming will be replaced by commercial solar each time the cap of total acres is lifted by future councils.

On behalf of the Montgomery County Agricultural Advisory Committee-AAC, please accept this letter as our final position on ZTA 20-01 Solar Collection Systems-AR Zone Standards.

As Chairman of the AAC, I will be attending the full County Council work session on Tuesday January 26, 2021 to answer any questions the Council members have.

Sincerely,

A handwritten signature in cursive script that reads "Doug Lechliden". The signature is written in black ink and is positioned above a thin horizontal line.

Doug Lechliden, Chairman

Cc: Marc Elrich, County Executive